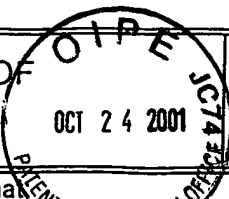


#3

DECLARATION AND POWER OF
ATTORNEY
PATENT APPLICATION

ATTORNEY DOCKET NO. 13727



As below named inventor, I hereby declare that
My residence, post office address and citizenship is as stated below next to my name.
I verily believe I am the original, first and sole or joint inventor (if plural, inventors are named below) of the invention entitled:

ELECTRO-ACTIVELY TUNABLE PHOTONIC BANDGAP MATERIALS

the specifications and drawings of which

(check one)

☐ is attached hereto.

☒ was filed on July 23, 2001 as
Application Serial No. 09/909,998
was amended on _____

(if applicable)

I hereby state that I have reviewed and understood the contents of the above identified specification and drawings, including the claims.

I acknowledge the duty to disclose information which is known to be material to the examination of this application to the Patent Office in accordance with Title 37, Code of Federal Regulations, § 1.56.

I hereby state that I do not know and do not believe that the invention which is the content of the above specification, claims and drawings was ever known or used in the United States of America before my invention thereof, or the patented or described in any printed publication in any country before my invention thereof or more than one (1) year prior to this application, that the same was not in public use or on sale in the United States of America more than one (1) year prior to this application, that the invention has not been patented or made the subject of the inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve (12) months prior to this application; and as to applications for patents or inventor's certificate on the invention filed in any country foreign to the United States of America prior to this application by me or my legal representative or assigns.

☐ no such applications have been filed, or

☒ such applications have been filed as follows:

EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED WITHIN 12 MONTHS PRIOR TO THIS APPLICATION				
COUNTRY CLAIMED	APPLICATION NO.	DATE OF FILING (DAY, MO., YR.)	DATE OF ISSUE (DAY, MO., YR.)	PRIORITY UNDER 35 USC 119
				YES <input type="checkbox"/> NO <input type="checkbox"/>
				YES <input type="checkbox"/> NO <input type="checkbox"/>
ALL FOREIGN APPLICATIONS, IF ANY, FILED MORE THAN 12 MONTHS PRIOR TO THIS APPLICATION				
PROVISIONAL APPLICATION(S), IF ANY, FILED WITHIN 12 MONTHS OF THIS APPLICATION				
COUNTRY CLAIMED	APPLICATION NO.	DATE OF FILING (DAY, MO., YR.)	DATE OF ISSUE (DAY, MO., YR.)	PRIORITY UNDER 35 USC 120
US	60/220,197	07/24/2000		YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
				YES <input type="checkbox"/> NO <input type="checkbox"/>

POWER OF ATTORNEY: As a named inventor, I hereby appoint the attorney(s) and/or agent(s) listed below to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. The undersigned hereby authorizes U.S. attorney or agent named herein to accept and follow instructions from Lynn C. Schumacher as to any action to be taken in the Patent and Trademark Office regarding this application without direct communication between the U.S. attorney or agent and the undersigned. In the event of a change in the person's from whom instructions may be taken, the U.S. attorney or agent named herein will be so notified by the undersigned.

RALPH A. DOWELL REG. NO. (26,868) LYNN C. SCHUMACHER REG. NO. 36,413
A. YATES DOWELL, III REG. NO. (28,070) NANCY E. HILL REG. NO. 41,564

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DOWELL & DOWELL, P.C. PTO CUSTOMER NO. 000293


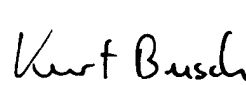
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Arlington, Virginia 22202

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201	FULL NAME OF INVENTOR	FAMILY NAME John	FIRST GIVEN NAME Sajeev	SECOND GIVEN NAME
	RESIDENCE & CITIZENSHIP	CITY Mississauga	STATE OR FOREIGN COUNTRY Ontario	COUNTRY OF CITIZENSHIP Canada
	POST OFFICE ADDRESS	POST OFFICE ADDRESS 1087 Staghorn Court	CITY Mississauga	STATE & ZIP CODE/COUNTRY Ontario, Canada L5C 3R2
202	FULL NAME OF INVENTOR	FAMILY NAME Busch	FIRST GIVEN NAME Kurt	SECOND GIVEN NAME
	RESIDENCE & CITIZENSHIP	CITY Karlsruhe	STATE OR FOREIGN COUNTRY Germany	COUNTRY OF CITIZENSHIP Germany
	POST OFFICE ADDRESS	POST OFFICE ADDRESS Bachstrasse 51	CITY Karlsruhe	STATE & ZIP CODE/COUNTRY Germany 76185
203	FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
	POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE & ZIP CODE/COUNTRY

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful statements may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE OF INVENTOR 201 	SIGNATURE OF INVENTOR 202 	SIGNATURE OF INVENTOR 203
DATE <i>Sept 11, 2001</i>	DATE <i>Sept 11, 2001</i>	DATE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Sajeev John and Kurt Busch

TITLE: ELECTRO-ACTIVELY TUNABLE PHOTONIC BANDGAP MATERIALS

SERIAL NUMBER: 09/909.998

DOCKET NUMBER: 13727

FILED: July 24, 2001

VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS

[] FOR INDEPENDENT INVENTOR

As a below-named inventor, I hereby declare that I am an independent inventor who (1) has not assigned, granted, conveyed, or licensed, and (2) is under no obligation under contract or law, to assign, grant, convey, or license, any rights in the invention, to any person who could not likewise be classified as an independent inventor if that person had made the invention, or to any concern which would not qualify as a small business concern or a nonprofit organization, as defined in 37 CFR 1.9.

[] FOR SMALL BUSINESS CONCERN

I hereby declare that _____ is a business concern which qualifies as a small business concern as defined in §1.9(d) - namely, (1) whose number of employees, including those of its affiliates, does not exceed 500 persons; and (2) which has not assigned, granted, conveyed, or licensed, and is under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor if that person had made the invention, or to any concern which would not qualify as a small business concern or a nonprofit organization under this section; and that the exclusive rights to the invention have been conveyed to and remain with the above-identified small business concern.

I further declare that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful, false statements and the like, so made, are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the patent application or any patent issuing thereon.

INVENTOR(S):

Sajeev John
Sajeev John

Date: Sept 11, 2001

Kurt Busch
Kurt Busch

Date: Sept 11, 2001

SMALL BUSINESS CONCERN:

By: _____
Name: _____
Title: _____
Date: _____